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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,181	12/12/2003	Yasutoshi Nishimura	00597/0200639-US0	2581

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,181

Applicant(s)

NISHIMURA ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with indefinite language too numerous to mention specifically, and should be revised carefully. For example only, the phrase “a medicine wrapping machine” in claims 1-4 is confusion and indefinite because it is not clear whether the claims are directed to a belt-shaped medicine wrapping sheet or a medicine wrapping machine. A clarification is required. The phrase “the sheet” on line 2 of claims 1 and 2 lacks proper antecedent basis. In claims 1 and 2, the phrase “a bi-axially oriented polyethylene polypropylene sheet” lacks proper antecedent basis because the specification does not support such phrase. The specification only provides support for the phrase “a bi-axially oriented polypropylene sheet”. The phrases “a medicine wrapping machine” in claims 10 and 13 and “Divided wrapping bags” in claim 11 and “The divided wrapping bags” in claim 12 lack proper antecedent basis. The applicant is required to make corrections to the claims wherever appropriate in order to clarify same.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3728

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemasa et al. (5,908,113; hereinafter Takemasa'113) in view of The German Patent No. DE 43 24 771 to Gebhardt (hereinafter Gebhardt) or Koch et al. (6,309,104; hereinafter Koch'104). Takemasa'113 discloses a medicine wrapping sheet (1) for forming a plurality of divided wrapping bags comprising a plastic sheet formed from a polypropylene layer (2) and a polyethylene layer (3). The sheet is folded in longitudinally into two halves and the side edge parts are joined and thermally fused to each other (column 1, lines 55-60). Takemasa'113 also discloses the other claimed limitations except for both side edge parts being formed with triangular notches and the wrapping sheet being a belt-shaped wrapping sheet. Gebhardt teaches a container for medical products comprising two plastic sheets (3, 5) connected to each other (7, 9) to form a plurality of divided wrapping bags and the sheets having triangular notches (Figure 1). Koch'104 shows a bag (20) having triangular notches or saw-toothed shaped (Figure 1) and a minute flaw (6) (Figure 2). It would have been obvious to one having ordinary skill in the art in view of Gebhardt or Koch'104 to modify the wrapping sheet of Takemasa'113 so both side edge parts of the sheet which overlap each other when the sheet is folded in two comprises triangular notches to facilitate opening the bags. Regarding the shaped of the sheet, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sheet of Takemasa'113 so the sheet comprises a belt-shaped sheet because the selection of the specific shape for the sheet such as belt-shaped or rectangular shaped would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

Art Unit: 3728

As to claims 6 and 7, either Gebhardt or Koch'104 shows the notches of both the side edge parts roughly match each other. The selection of both the side edge parts roughly match each other or deviate from each other when the sheet is folded in two would have been an obvious matter of design choice.

As to claims 8 and 9, either Gebhardt or Koch'104 shows an angle formed between opposing oblique sides of the triangular notches is set to 110 degree or less and a bottom part of each of the triangular notches is formed in a curved shape having a radius of 2 to 10um (see drawings).

As to claim 10, Takemasa'113 discloses a plurality of divided wrapping bags (6) formed in a continuous state and can be separated (Figure 2).

Allowable Subject Matter

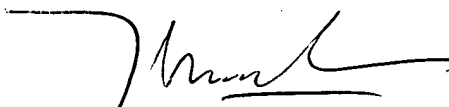
5. Claims 1-4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.

lkb
November 9, 2005


Luan K. Bui
Primary Examiner